# Preventing injustice before it can happen – Let's bring human rights home (2008)

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**Human rights** **Business and Human Rights** Opinion piece
14 December 2012

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## Summary

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# Preventing injustice

# before it can happen – Let's bring human rights home

**By Catherine Branson, QC, President of the Australian Human Rights Commission and former Federal Court Judge. This is an edited version of Ms Branson's Human Rights Day Oration.**

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proud. Ours is a robust democracy with an independent judiciary. There are low levels of official corruption. Most of our communities are safe, and most Australians have access to health care.

But we still have a long way to go.

Summary

- Preventing injustice before it can happen – Let's bring human rights home

Contrary to popular opinion, Australian law doesn't always protect our human rights and Australian law makers can abolish most of the rights we have.

Right here in our own country, innocent people, including children, have been unjustly detained. Our own country has deported its citizens. Our own government has discriminated against our fellow Australians on the basis of race.

When the rights of any person in Australia are denied, we are all diminished.

I was a Federal Court judge for 14 years. My experiences in this position convinced me neither Australian law makers nor those who make decisions under Australian laws are sufficiently conscious of people's rights. I have experienced law-makers restricting freedom of speech. I have experienced public decision-makers making incorrect decisions with harmful consequences for people. Through these experiences, I have come to believe that we need a cultural change in Australia. That cultural change should reach not only to those who make Australian laws and those who make decisions under Australian laws, but we ourselves should be more conscious of our human rights and know how to assert them when threatened. And that is why I believe we need a federal charter of rights.

A charter of rights will improve democracy in Australia. It will make government decision

making more transparent and accountable. It will not undermine the power of our Parliament to make and change laws. Rather, it will require Parliament to consider human rights standards when making laws, and to justify any decision to depart from those standards.

Recent history tells us we cannot always trust our Parliament to pay sufficient regard to the protection of the human rights of every one in Australia. A charter of rights will help prevent human rights breaches by ensuing politicians turn their minds to the human rights implications of laws they are framing.

Sixty years ago today, nations from around the world made an historic commitment to protecting the freedom, dignity and equality of all people by creating the Universal Declaration of Human Rights. Human rights were then, and continue to be now, the foundation of a fair, democratic, inclusive, and peaceful society. A society where we can all feel safe and be protected from violence; where everyone has the opportunity to participate in their community; where we all treat each other with respect.

Australia played a leading role in the development of the Universal Declaration. Now, almost 10 years into the 21st Century we have a chance to breathe new life into the Declaration; to make it even more relevant to Australia today.

Like most people, I am sure, I want to live in an Australia of which I can be uniformly proud.

Where freedom, equality and dignity matter. Where human rights matter.

I believe that we will have this kind of society if the people who make our laws respect human rights, if people who make decisions under those laws respect human rights, and if we all as members of the Australian community respect human rights, and live by them each day in our interactions with others.

We should all be talking about this now. We should all understand that, without improving human rights protection in this country, each and every one of us has the potential to be unjustly detained or to be to be told what we can and cannot say. It is critical that as many Australians as possible join this debate.

The government's national consultation on human rights protection is our opportunity to talk about our rights. To talk about options that would ensure they are better protected. To continue to build a fair, inclusive, tolerant and secure society. One where human rights matter.

Our challenge is to make 2009 the year in which we committed ourselves to join all other western democracies and place freedom, dignity and equality at the centre of Australian life. I can think of no better way to do this than by adopting a charter of rights.

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